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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UTHERVERSE GAMING LLC,

Case No. 2:21-cv-00799-RSM

10 Plaintiff,

11 v.

12 EPIC GAMES, INC.,

13 Defendant.
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16 **VERDICT FORM**
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1 **Instructions:** When answering the following questions and completing this Verdict Form, you
2 must follow the instructions provided and follow the Jury Instructions that you have been given.
3 Your answer to each question must be unanimous. Some of the questions contain legal terms
4 that are defined and explained in the Jury Instructions. You must refer to the Jury Instructions if
5 you are unsure about the meaning or usage of any legal term that appears in the questions below.
6

7 As used herein:

- 8 1. “Utherverse Gaming” refers to Plaintiff Utherverse Gaming LLC.
 - 9 2. “Epic Games” refers to Defendant Epic Games, Inc.
 - 10 3. The “’605 Patent” refers to U.S. Patent No. 9,724,605.
 - 11 4. The “asserted claims” refers to claims 2, 5, and 8 of the ’605 Patent.
 - 12 5. The events hosted by Epic in its multiplayer online videogame *Fortnite* accused
13 of infringement are as follows:
 - 14 • Astronomical tour by Travis Scott consisting of -virtual
15 performances exhibited within the Fortnite game environment
16 between April 23, 2020, and April 25, 2020 (hereinafter
17 “Travis Scott Virtual Events”).
 - 18 • Rift Tour concert series by Ariana Grande consisting of virtual
19 performances exhibited within the Fortnite game environment
20 between August 6, 2021, and August 8, 2021 (hereinafter
21 “Ariana Grande Virtual Events”).
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1 We, the jury, unanimously find as follows:

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3 **QUESTION NO 1.** Has Utherverse Gaming proven by a preponderance of the evidence that
4 either or both of the Travis Scott Virtual Events and the Ariana Grande Virtual Events infringed
5 at least one of the asserted claims?
6

7 Check “YES” (for Utherverse Gaming) or “NO” (for Epic Games).

8 **a. '605 Patent Claim 2**

9 i. Travis Scott Events

10 Yes _____ No _____

11 ii. Ariana Grande Events

12 Yes _____ No _____
13

14 **b. '605, Patent, Claim 5**

15 i. Travis Scott Events

16 Yes _____ No _____

17 ii. Ariana Grande Events

18 Yes _____ No _____
19

20 **c. '605, Patent, Claim 8**

21 i. Travis Scott Events

22 Yes _____ No _____

23 ii. Ariana Grande Events

24 Yes _____ No _____
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27 *Please proceed to Question No. 2.*
28

1 **QUESTION NO. 2.** Has Epic proven by clear and convincing evidence that the following
2 claims of the '605 Patent are invalid?

3 Check "YES" (for Epic) or "NO" (for Utherville Gaming)

4 **a. '605 Patent Claim 2**

5 Yes _____ No _____

6 **b. '605, Patent, Claim 5**

7 Yes _____ No _____

8 **c. '605, Patent, Claim 8**

9 Yes _____ No _____

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13 *Please proceed to Question 3.*
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QUESTION NO. 3. Has Epic proven by clear and convincing evidence that the elements of any of the asserted claims, taken individually or together, involved only technology that a person of ordinary skill in the art would consider to be well-understood, routine, and conventional as of August 12, 2014?

a. '605 Patent Claim 2

Yes _____ No _____

b. '605, Patent, Claim 5

Yes _____ No _____

c. '605, Patent, Claim 8

Yes _____ No _____

If you answered "YES" for one or more claims in Question No. 1 for either accused event and also answered "NO" to Questions Nos. 2-3 for those same claims (in other words, you found at least one claim infringed and not invalid), then please proceed to Question No. 4. Otherwise please skip to the last page, sign and date the verdict form, and return it to the court clerk.

1 **QUESTION NO. 4.** What is the total amount of damages Utherverse Gaming has proven by a
2 preponderance of the evidence that that would compensate Utherverse Gaming for Epic's
3 infringement of the '605 Patent?
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5 \$ _____
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7 Please sign and date below and return this verdict form to the court clerk.
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10 **Presiding Juror:** _____
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12 **Dated:** _____
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